

IN RE: PETITION FOR ZONING VARIANCE
N/S Delaware Avenue, 146' E
of the c/l of Riverside Drive
(402 Delaware Avenue)
15th Election District
5th Councilmanic District
William C. Scheler, Sr., et al
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-59-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a building lot width of 50 feet in lieu of the minimum required 55 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1.

Originally, a hearing was set for October 11, 1990 at which time the Petitioners did not appear but were represented by their real estate agent, Kelly Coleman, and their Builder, Donald B. Shaeley, who were advised that Petitioners must be present to testify on their own behalf. The hearing was continued so that Petitioners could appear.

At the continued hearing, the Petitioners, by William C. Scheler, Sr. and Gladys Scheler, appeared and testified. Also appearing on behalf of the Petition were Susan Quinlan and Kelly Coleman, Real Estate Representatives, and Joseph William Luiacono, Contract Purchaser. There were no Protestants.

Testimony indicated that the subject property, known as 402 Delaware Avenue, consists of 7,250 sq.ft. zoned D.R. 5.5 and is presently unimproved. Said property is also known as Lot 7 of Section A, Essex, a subdivision of 50-foot wide lots which was recorded on June 11, 1909. Said property is also located within the Chesapeake Bay Critical Areas near Back River. William Scheler testified that Lots 7, 8 and 9 have been in his family for many years and that he was born and raised in the existing

dwelling on Lot 8, which was recently sold. Testimony indicated Petitioners have entered into a contract to sell Lot 7 to the Contract Purchaser who is desirous of constructing a single family dwelling on the property, which, as only 50 feet wide, does not meet current zoning regulations as to lot width requirements. Petitioners were advised at the time that selling Lot 8 independently created undersized Lots 7 and 9, and further, Lot 9 created an additional violation as an accessory structure is not permitted on a lot independent of the principle dwelling. Petitioners indicated they were not aware of the violations and would take the necessary steps to correct the matter. Petitioners testified the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community as the subdivision was originally recorded in 1909 with 50-foot lots, as verified by Petitioner's Exhibit 3 and the majority of the dwellings in the area were developed on 50-foot lots. The Petitioners argued that the granting of the variance for the subject property would not create any detriment and/or appearance of overcrowding in the community due to the location of Lot 7 abutting a 10-foot unimproved alley and the back yard of the adjoining house on Riverside Drive. Petitioners further argued that a denial of the requested relief will result in practical difficulty and unreasonable hardship as there is no available adjoining land on either side of the property to meet lot width requirements.

After due consideration of the testimony and evidence presented, in the opinion of the Deputy Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject

- 2 -

variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner. At the hearing, Petitioners were advised each case was determined on its own merits. The relief granted herein does not create any inference that similar relief would be appropriate on Lot 9. Petitioners have been advised that the violations existing on Lot 9 must be corrected which Petitioners have indicated would be done.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or nonconforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

- 3 -

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 5th day of November, 1990 that the Petition for Zoning Variance to permit a building lot width of 50 feet in lieu of the minimum required 55 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 4 -

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) The subject property shall be developed in strict compliance with the zoning regulations. There shall be no further variances requested for Lot 7.

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated October 9, 1990, attached hereto and made a part hereof.

AMN:bjs

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

- 5 -

PETITION FOR ZONING VARIANCE 91-59-A
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: CRITICAL AREA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1 To allow a buildable lot with a 50 ft. width in lieu of the required 55 ft. minimum width

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

financial problems

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
Joseph W. Luiacono
(Type or Print Name)
Signature
5408 Sommerfield Ave.
Address
Baltimore MD 21206
City and State

Legal Owner(s):
William C. Scheler Sr.
(Type or Print Name)
Signature
Gladys E. Scheler
(Type or Print Name)
Signature
Gladys E. Scheler

Attorney for Petitioner:

404 Gough St. 888.0377
Address Phone No.
Baltimore MD 21204
City and State

Signature

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Address

Kelly Coleman, Bayhouse Realty

City and State

Name

Attorney's Telephone No.:

4501 Fitch Ave. Baltimore MD 21236
Address Phone No.
888-7000

ORDERED By The Zoning Commissioner of Baltimore County, this 8 day

of August 1990 that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 11th day of Oct 1990 at 2 o'clock

P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

(over)

CRITICAL AREA

402 DELAWARE

91-59-A

Beginning at a point on the north side of Delaware Avenue which is 50 feet wide at the distance of 146 feet east of the center line of the nearest improved intersecting street, Riverside Drive, which is 50 feet wide. Being Lot 7, Block L, in the subdivision of "Section A, Essex Subdivision" as recorded in Baltimore County. Plat Book No. 3, Folio 15, containing 7,250+ square feet also known as 402 Delaware Avenue and located in the 15th Election District.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

No 2387

Date

7/19/90

PUBLIC HEARING FEES	QTY	PRICE
010 - ZONING VARIANCE (IRL)	1 X	\$35.00
TOTAL:		\$35.00

LAST NAME OF OWNER: SCHELER

04604#0083MICHR
SA 009137A07-19-90

\$35.00

Cashier Validation:

Please make checks payable to: Baltimore County

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

No 2987

Date

7/19/90

PUBLIC HEARING FEES	QTY	PRICE
010 - ZONING VARIANCE (IRL)	1 X	\$35.00
TOTAL:		\$35.00

LAST NAME OF OWNER: SCHELER

04604#0083MICHR
SA 009137A07-19-90

\$35.00

Cashier Validation:

Please make checks payable to: Baltimore County

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 157-1 Date of Posting: 9/22/90
Posted for: variance
Petitioner: Wm. C. Scheler, Sr., et ux, Joseph W. Luisaco
Location of property: N/S Delaware Ave., 146' E of c/l of Riverside Drive, 402 Delaware Avenue, 15th Election District, 5th Councilmanic District, Towson, Maryland 21204
Location of Sign: Towson, Maryland, across the road from the property, at the intersection of the road and the property
Remarks: None
Posted by: Stasner Date of return: 9/28/90
Number of Signs: 1

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
CASE NUMBER: 91-59-A
N/S Delaware Avenue, 146' E of c/l of Riverside Drive, 402 Delaware Avenue, 15th Election District - 5th Councilmanic District
Legal Owner(s): William C. Scheler, Sr., et ux
Contract Purchaser(s): Joseph W. Luisaco
THURSDAY, OCTOBER 11, 1990
AT 2:00 P.M.
Variance to allow a buildable lot with a 50 ft. width in lieu of the required 55 ft. minimum width.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
Zoning Commissioner of Baltimore County

The Times

Middle River, Md., Sept 14, 1990

This is to Certify, That the annexed Notice
Sept 10 1990

was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of one successive weeks before the 14th day of Sept, 1990
Joe P. [Signature] Publisher.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9-19-90
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9-12-90

THE JEFFERSONIAN.

S. Zeke Orkin
Publisher

\$42.70

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

No 3741

Date

10/24/90

H9100334

PUBLIC HEARING FEES QTY PRICE
050 - POSTING SIGNS / ADVERTISING 1 X \$93.95
TOTAL: \$93.95
LAST NAME OF OWNER: SCHELER

014049081741CHRG \$93.95
SA 0003120FM10-24-90
Please make checks payable to: Baltimore County EXIST. 18 DAY

Cashier Validation:

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

DATE 10/2/90

Mr. & Mrs. William C. Scheler, Sr.
404 Gough Street
Baltimore, Maryland 21224

Re: Petition for Zoning Variance
CASE NUMBER: 91-59-A
N/S Delaware Avenue, 146' E of c/l of Riverside Drive, 402 Delaware Avenue, 15th Election District - 5th Councilmanic District
Legal Owner(s): William C. Scheler, Sr., et ux
Contract Purchaser(s): Joseph W. Luisaco
HEARING: THURSDAY, OCTOBER 11, 1990 at 2:00 p.m.

Dear Petitioners:

Please be advised that \$93.95 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

October 12, 1990

CONFIRMING NOTICE OF REASSIGNMENT

Case # (s): 91-59-A
Petitioner(s): William C. Scheler, Sr., et ux / Joseph W. Luisaco
Location: 402 Delaware Avenue

THE ABOVE MATTER HAS BEEN REASSIGNED.

THE HEARING WILL NOW TAKE PLACE AS FOLLOWS:

WEDNESDAY, OCTOBER 24, 1990 at 2:30 p.m.

in the BALTIMORE COUNTY OFFICE BUILDING, 111 W. Chesapeake Avenue, Room 106, Towson, Maryland 21204

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY

Billings
Copies:

Joseph W. Luisaco
Kelly Coleman
William C. Scheler, Sr., et ux

*NOTE: Mailed to 404 Gough Street, Baltimore, Maryland 21224, per information given on Petition form. However, previous correspondence returned marked "NO SUCH ADDRESS". It is your responsibility to see that the owners are notified and appear at the hearing.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

August 10, 1990

NOTICE OF HEARING

Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 91-59-A
N/S Delaware Avenue, 146' E of c/l of Riverside Drive, 402 Delaware Avenue, 15th Election District - 5th Councilmanic District
Legal Owner(s): William C. Scheler, Sr., et ux
Contract Purchaser(s): Joseph W. Luisaco
HEARING: THURSDAY, OCTOBER 11, 1990 at 2:00 p.m.

Variance to allow a buildable lot with a 50 ft. width in lieu of the required 55 ft. minimum width.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER OF BALTIMORE COUNTY

cc: William C. Scheler, Sr., et ux
Joseph W. Luisaco
Kayhouse Realty

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

October 1, 1990

Mr. & Mrs. William C. Scheler
404 Gough Street
Baltimore, MD 21224

RE: Item No. 22, Case No. 91-59-A
Petitioner: William C. Scheler, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Scheler:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman,
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Joseph W. Luisaco
5408 Summerfield Avenue
Baltimore, MD 21206

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

Your petition has been received and accepted for filing this

8th day of August, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: William C. Scheler, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: August 23, 1990
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: William C. Scheler, Sr., Item No. 22

The Petitioner is requesting a Variance to permit a 50 ft. lot width in lieu of the minimum 55 ft. required. Staff has the following comments on the above request:

In instances such as these, staff's primary concerns are:

1. What is the impact on adjoining property?
2. Are adequate front, side and rear yard setbacks being provided on the site?
3. Will the reduced lot sizes result in requests for additional variances when subsequent lot owners try to build unsuitable homes on the lots or expand homes into required areas?

Based upon the information provided and analysis conducted, staff recommends that if the request is granted, the following conditions be attached:

- All building setback lines (front, side, rear) shall be shown on the site plan and recorded by the applicant on the deed of record. Furthermore, a statement shall be attached to the site plan which clearly states that all development shall conform to the setbacks as shown and additional variances shall not be granted for setbacks on the subject property.
- Any applications for building permits shall include a copy of the site plan and the Commissioner's "Findings of Fact and Conclusion of Law," provided by the applicant.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm
ITEM22/ZAC1

RECEIVED
SEP 6 1990
ZONING OFFICE

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

August 10, 1990

Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 11, 13, 15, 16, 17, 18, 20, 22, 23, 24, 25, 28, and 29.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate II

MSF/lvw

RECEIVED
AUG 20 1990

ZONING OFFICE

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke
Chief

JULY 30, 1990

Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: WILLIAM C. SCHELER, SR.

Location: #402 DELAWARE AVENUE

Item No.: 22 Zoning Agenda: AUGUST 7, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy. CHAPTER 22

REVIEWER: *Capt. Jack Kelly 7-30-90* Noted and Approved: *Capt. Jack Kelly 7-30-90*
Special Inspection Division Fire Prevention Bureau

JK/KEK

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING

FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES

SUBJECT: ZONING ITEM #: 22
PROPERTY OWNER:
LOCATION:

ELECTION DISTRICT:
COUNCILMANIC DISTRICT:

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

() PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

() PARKING LOCATION () RAMPS (degree slope)
() NUMBER PARKING SPACES () CURB CUTS
() BUILDING ACCESS () SIGNAGE

() PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

X A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #150-88 (BALTIMORE COUNTY BUILDING CODE).

OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

CHECK ITEM APPLICABLE TO THIS PLAN

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: August 9, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for August 7, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 11, 15, 16, 17, 18, 20, 23, 24, 25, and 28.

For Item 13, water and sewer are available to the site. The Developer is responsible for extension of the paved road to the proposed lot with an 18-foot open paving section, ending with a 40-foot x 50-foot turnaround area and any drainage structures required.

For Item 22, water and sewer are available to the site. No public improvements are required.

For Item 29, the 5-foot utility easement along the west lot line of Lot III is a County easement, and as such, no permanent structures are allowed within the easement area.

Robert W. Bowling
ROBERT W. BOWLING, P.E., CHIEF
Developers Engineering Division

RWB:s

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

August 21, 1990

Dennis F. Rasmussen
County Executive

Ms. Kelly Coleman
Sales Associate
Kayhouse Realty, Inc.
4501 Fitch Avenue
Baltimore, MD 21236

RE: Request for Expedited Hearing
402 Delaware Avenue
15th Election District

Dear Ms. Coleman:

Please be advised that your client's petition for a variance has been processed and scheduled for October 11, 1990 at 2:00 p.m. I hope this date conforms to your client's needs.

If you have any further questions, please feel free to contact me at 887-3391.

Very truly yours,

JAMES E. DYER
Zoning Supervisor

JED:cer

KAYHOUSE
REALTY, INC.
882-7000
FAX 882-9224

4501 FITCH AVENUE
BALTIMORE, MD 21236

August 1, 1990

Baltimore County Zoning Commissioner
County Office Building
111 W. Chesapeake Ave.
Towson, MD 21204

Dear Mr. Haines:

I am writing on behalf of Joseph Luisacono, contract purchaser of 402 Delaware Ave., Baltimore, MD, 21221. 402 Delaware Ave. is an unimproved lot in which we need to obtain a variance so that Mr. Luisacono may obtain a building permit.

On July 19, 1990 I filed a petition in order to get this variance. Since then Mr. Luisacono has sold his present home and is in a hurry to build his new home.

I am writing to you to see if there is any way that you may be able to expedite this process. We would greatly appreciate it.

Very truly yours,

Kelly Coleman
Sales Associate

KC:gf

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

DATE: October 9, 1990

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Zoning Variance - Item 22
Scheler Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 402 Delaware Avenue in Essex. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANT'S NAME Mr. and Mrs. William C. Scheler, Sr.

APPLICANT PROPOSAL

The applicant has requested a variance from section 1802.3.C.1 of the Baltimore County Zoning Regulations to permit a buildable lot with a 50 foot width in lieu of the required 55 foot minimum width.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

Memo to Mr. J. Robert Haines
October 9, 1990
Page 2

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Sec. 22-216(a)>.

Finding: This property is located approximately 600 feet from the tidal waters of Back River. No disturbance of the buffer shall occur.

2. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination" <Baltimore County Code Sec. 22-216(b)>.

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site, therefore, no filling of wetlands shall occur.

3. Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment." <Baltimore County Code Sec. 22-216(c)>.

Finding: In order to comply with the above regulation rooftop runoff shall be directed through downspouts and into Dutch drains or seepage pits (see attached information). This will encourage maximum infiltration of stormwater and will bring this property into compliance with the 10% rule. Infiltration of stormwater is a recommended Best Management Practice in a "Framework for Evaluating Compliance with the 10% Rule in the Chesapeake Bay Critical Area". Construction of the proposed house will result in the removal of shrubs along Delaware Avenue. These shrubs shall be replaced once construction is complete.

Shrubs are an important factor in improving water quality. The roots of shrubs greatly improve the infiltration rate of storm water and efficiently remove nitrogen from subsurface flows of groundwater. Shrubs also act as both a barrier and a sponge, blocking and absorbing eroding soils and the phosphorus associated with them.

EXHIBIT 3
PLATONERS

SECTION A ESSEX SUBDIVISION.

THE ESSEX CO.

INCORPORATED UNDER THE LAWS OF THE STATE OF MARYLAND.

SURVEYED AND PLATTED BY

REDING & HOWARD.

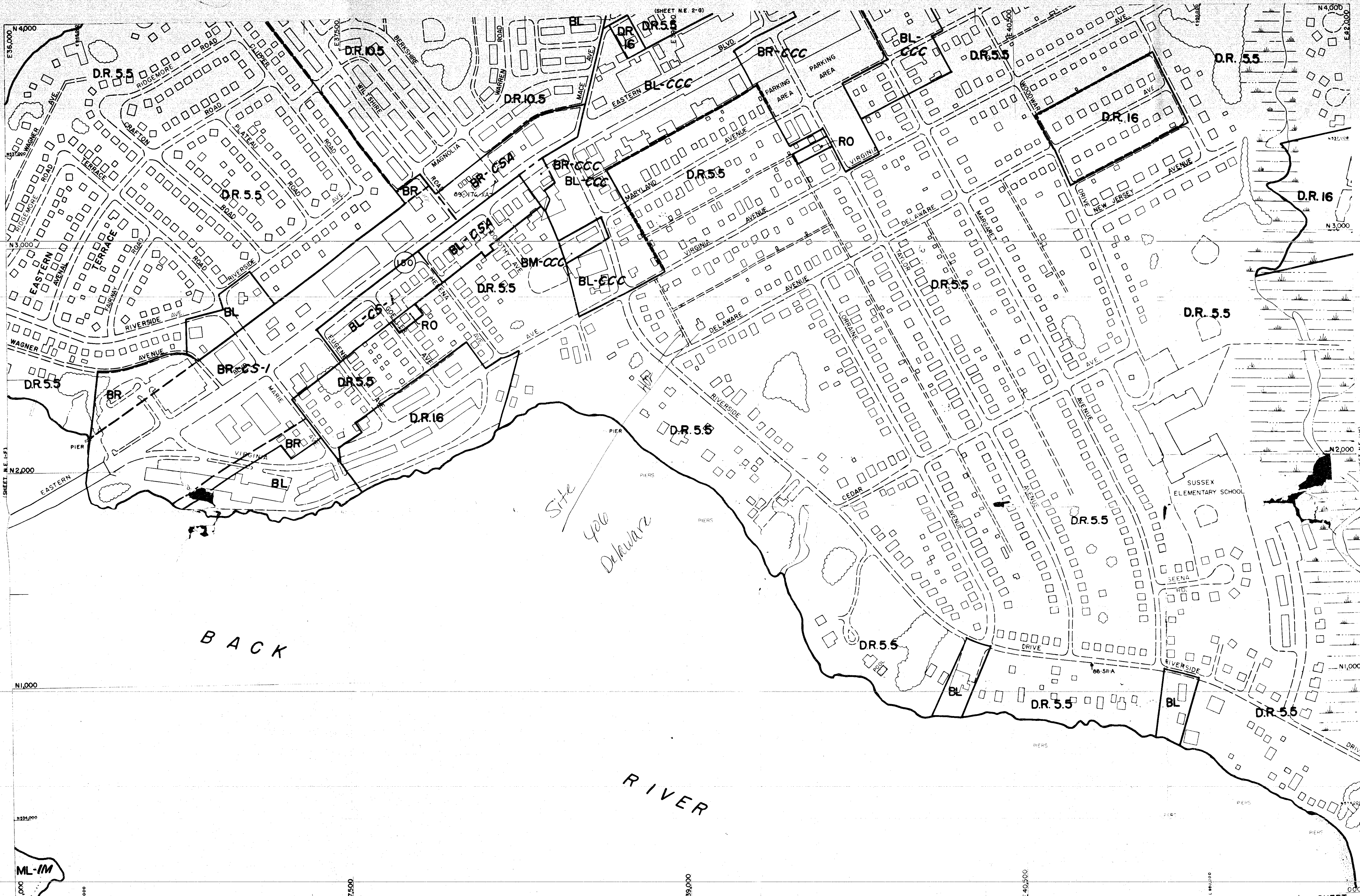
CIVIL ENGINEERS, BALTIMORE, MD.

JUNE 11, 1909.

SCALE 1"=100'

Filed June 25 1909
Deed
William C. Co.
Clarf.





BACK

RIVER

I - SW
E - NW

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
Bill Nos. 144-88, 146-88, 147-88, 148-88, 149-88, 150-88

Chairman, County Council

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

SCALE
1" = 200' ±
DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
ESSEX

SHEET
N.E.
1-G

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

EXHIBIT 5